

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1426 OF 2019

Harshad Pandit Patil] ... Applicant

Versus

The State of Maharashtra] ... Respondent

Mr. Satyajeet Dighe, Advocate for the Applicant.

Ms. S.S. Kaushik, APP for the State/Respondent.

CORAM :- SARANG V. KOTWAL, J.

DATE :- 4th JULY, 2019.

P. C. :-

1. The applicant is seeking anticipatory bail in connection with C.R. No.68/2019 registered with Nashik Taluka Police Station, Nashik (Rural) u/sec. 354, 354 A, 354 A (1) (i), 354 A (1) (ii), 354 A (2), 323, 324, 341, 336, 338, 504, 506 r/w 34 of I.P.C.

2. The FIR is registered on 14/06/2019 by one of the victims in respect of the incident which had taken place on 01/06/2019. According to the FIR, the first informant and other five ladies had taken their cattle for grazing. At that time, the present applicant came

near them at around 4.00 p.m. near Matori Shivar. He behave indecently with the first informant. She had described his actual act which amounts to outraging of her modesty. The other ladies accompanying her tried to come to her rescue, but the applicant threatened them as well. One of the lady was pregnant, she fell down and that caused adverse effect on her health. It is further mentioned in the FIR that the applicant came back to the same spot carrying wooden stick and he assaulted all the victims who were accompanying the first informant. One Lankabai had suffered bleeding injury on her hand. Thereafter, he left from that spot. His father came there and he again threatened all of them. Though, the incident had occurred on 01/06/2019, the FIR was lodged only on 14/06/2019. The first informant had mentioned that, they were scared because of the threats issued by the applicant

3. Heard Mr. Satyajeet Dighe, Ld. Counsel for the Applicant and Ms.S.S. Kaushik, APP for the State/Respondent.

4. Ld. Counsel for the applicant submitted that there is a gross delay of 14 days in lodging the FIR. He submitted that the incident as

mentioned in the FIR is not true as the applicant could not have committed that act in front of five other ladies. He submitted that the applicant's father had given a complaint on 29/05/2019 against one of the police officers attached to the same police station and the present FIR is result of the grudge held by the said police officer against the present applicant's father.

5. Ld. APP produced the investigation papers before me. The investigation papers contained medical certificate in respect of the injured as well as the photographs of the injured. The injuries are recorded in the medical certificate. One of them had suffered bleeding injury that required suturing.

6. Considering the investigation, it is more than apparent that the incident had taken place, though the FIR appears to be slightly exaggerated. However, the injury certificate shows that incident of assault had taken place. The offence u/sec. 354 as defined in the Penal Code is also made out. Considering the background of the case and considering the fact that the victims were frightened, it is understandable that the FIR was lodged after 14 days. In this view of

the matter, no case for anticipatory bail is made out. Hence, the following order.

ORDER

Application is rejected and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)